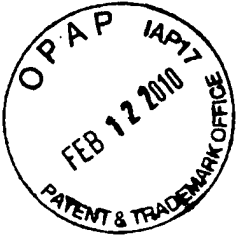


6159/evd

"PATENT APPLICATION"

AF/LW
\$



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Before the Board of Patent Appeals and Interferences

In re Application of

JAMES D. KROL

APPEAL No.

U.S. Serial No. 10/692,857

Group Art Unit 1794

Filed: October 27, 2003

L. Tran, Examiner

LOW CARBOHYDRATE FOOD PRODUCT
AND METHOD OF MAKING THE SAME

- - - - -

Alexandria, Virginia
February 12, 2010

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

NOTICE OF APPEAL
FROM THE PRIMARY EXAMINER TO THE BOARD OF APPEALS

Dear Sir:

Applicant hereby appeals to the Board of Appeals from the decision of the Primary Examiner mailed November 10, 2009 in finally rejecting the pending claims.

A timely response to the final rejection was filed on January 11, 2010. An Advisory Action was mailed on January 26, 2010 stating that the proposed amendments will not be entered because they raise new issues that would require further consideration and/or search. Applicant respectfully disagrees.

02/16/2010 HVUONG1 00000075 10692857

01 FC:2401

270.00 OP


6159/USSN 10/692,857
Group Art Unit 1794

The appeal fee of \$270.00 is submitted herewith,
small entity status having been established.

The Commissioner is hereby authorized to charge
any additional fees which may be required, or credit any
overpayment to Deposit Account No. 02-3690.

Respectfully submitted,

JAMES D. KROL

By 
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Telephone 703-684-6885

Attachment - \$270.00 Appeal Fee